

1033 Program Eligibility

Who can participate?

Any Federal or State law enforcement agency whose officers have arrest and apprehension authority can qualify to receive surplus DoD personal property under section 1033 of the National Defense Authorization Act of fiscal year 1996/1997.

Tribal Police Departments

There are more than 200 tribal police departments in the United States that are eligible to participate in the 1033 Program. These police departments are neither federal nor state agencies but all have powers of arrest and apprehension within their jurisdictions. One or more of these departments is in your state. The Defense Logistics Agency (DLA) will accept applications to participate in the 1033 Program from these police departments provided that these applications are approved by the Coordinator of the State in which the Indian reservation is located. By forwarding the application to DLA/LESO, the State Coordinator asserts that the tribal police department is located in the state and is a law enforcement agency as defined in the DLA/State Memorandum of Agreement. After enrollment, the State Coordinator processes requests for the transfer of excess Defense property to the tribal police department in the same manner in which requests are processed from state and local law enforcement agencies, and the Coordinator exercises the same controls and oversight over the transferred property as he/she does over property transferred to state, municipal; or county law enforcement agencies.

Correctional Institutions

Shortly after the Section 1208 was enacted, the Secretary of Defense determined that drug demand reduction activities (that is, the rehabilitation and treatment of drug offenders) qualified for the program. Then, in 1995, the Secretary transferred the administration of the program from the office of the Deputy Assistant Secretary of Defense for Drug Enforcement Policy and Support to the Defense Logistics Agency (DLA), and DLA subsequently removed demand reduction activities from participation in the program. This decision by DLA is consistent with the changes Congress made in the program with the enactment of Section 1033, replacing Section 1208. The new law specifies support of "law enforcement activities" in place of "counter-drug activities." Jails and prisons that previously had been able to acquire excess Defense Department supplies and equipment for drug "demand reduction activities" could no longer obtain such property for these purposes. Although places of incarceration might appear to be "law enforcement activities" in the minds of most of us - most especially in the minds of the inmates - DLA's definition - for purposes of Section 1033 - focused on agencies rather than activities. In order to participate in the program, an agency must be a government agency whose primary function is the enforcement of laws, whose officers are compensated and have powers of arrest and apprehension. Accordingly, DLA has determined that excess Defense property cannot be transferred for use by correctional institutions in the general support of the prison population, for routine prison activities, or for the rehabilitation or treatment of drug offenders. On the other hand, DLA generally will approve property transfers under 1033 program for use by teams, squads, or individuals whose mission it is to enforce laws within the jurisdiction of prison officials. Examples of qualifying units would be a "special reaction team" whose mission is to quell disturbances within the prison jurisdiction, or a team or individual officer charged with apprehending escapes. Parole and probation agencies generally qualify as well. In each case, however, it must be shown that the officers have arrest, apprehension, or revocation authority within their jurisdictions. Sheriffs, correctional administrators, and parole/probation authorities should discuss their respective situations with their State 1033 Coordinators in order to reach an understanding concerning which officers or activities within their agencies qualify for participation in the program. When agreement is reached that certain correctional activities qualify, the agency's senior official makes written application to participate, in accordance with the guidelines furnished by the Coordinator.